

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-11-515786

Filing Date: Dec-10-2013 11:16

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ORDER

THE STATE OF CALIFORNIA VS. CHUNGHWA PICTURES TUBES, LTD

001C04303389

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**FILED**  
San Francisco County Superior Court

DEC 10 2013

CLERK OF THE COURT

BY: Alvinia Sheen  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

**THE STATE OF CALIFORNIA, et al.;**

Plaintiffs,

v.

**CHUNGHWA PICTURE TUBES, LTD., et  
al.,**

Defendants.

Case No. CGC -11-515786

[Related to Case No. CGC-11-515784]

~~PROPOSED~~ **ORDER GRANTING  
FINAL APPROVAL OF THE  
CHUNGHWA AND PHILIPS  
SETTLEMENTS AND AWARDING  
ATTORNEYS' FEES**

Date: December 5, 2013

Time: 9:30 a.m.

Dept: 303

Judge: Richard A. Kramer

Action Filed: November 8, 2011

This Court heard the Plaintiffs' Motion for Final Approval of the Chunghwa and Philips Settlements in Department 303 on December 5, 2013. This Court reviewed the motion and the supporting papers, including the Settlement Agreements, the Amendments to the Agreements,

DEC 09 2013

1 and the memoranda and the declarations filed by the parties as part of this hearing as well as the  
 2 hearings on Preliminary Approval, and having heard argument of counsel and for the reasons  
 3 stated on the record at the December 5, 2013 hearing, this Court finds that:

4 (1) The Settlements are fair, reasonable, and adequate as to the *parens patriae* claims and  
 5 the claims on behalf of the Class of Government Entities ("Government Class");

6 (2) The factors favoring the provisional certification of the Government Class for settlement  
 7 purposes have not changed between the preliminary approval and final approval hearings;

8 (3) The applicable requirements of California Code of Civil Procedure section 382 have  
 9 been satisfied with respect to the Class and the Settlements;

10 (4) The Attorney General provided notices to Class Members and natural persons in  
 11 compliance with due process, California Business & Professions Code Section 16760, and  
 12 California Rules of Court rules 3.766 and 7.769(f). The notices: (i) were given in the manner and  
 13 form as directed in the Order Granting Preliminary Approval of the Chunghwa and Philips  
 14 Settlements; and (ii) were reasonably calculated to give actual notice to the Class Members and  
 15 natural persons of the existence of the lawsuit, the existence of the proposed Settlements, the  
 16 terms and conditions of the Settlements, and the rights and obligations of Class Members and  
 17 natural persons relative to these Settlements;

18 (5) Due to the size of the settlement amounts and the number of class members and natural  
 19 persons, utilizing *cy pres* distribution of the settlement funds as technology-related grants  
 20 administered by the Attorney General is appropriate; and

21 (6) The requested attorneys' fees in the amount of \$80,000 is in accordance with  
 22 Government Code Section 16750 and is thus reasonable.

23 **IT IS THEREFORE ORDERED THAT:**

24 1. The Government Class is certified and certification is defined as:

25 All political subdivisions of the State of California, plus the University of California and the  
 26 State Bar of California, that indirectly or directly purchased Cathode Ray Tubes ("CRTs")  
 27 and/or products containing CRTs during the Relevant Period beginning March 1, 1995 and  
 28 continuing through November 25, 2007. The term "political subdivisions" is defined as all  
 government entities authorized under California state law but without statewide jurisdiction.

1           2. This Court grants final approval of these settlements.

2           3. Defendant Chunghwa Picture Tubes, Ltd. ("Chunghwa") and its subsidiary Chunghwa  
3 Malaysia are enjoined and restrained for a period of ten years from the date of execution of its  
4 Settlement Agreement from engaging in price fixing, market allocation, and/or bid rigging with  
5 respect to the sale of any CRTs or CRT products for delivery in the United States which  
6 constitute horizontal conduct that are *per se* violations of Sections 16700 *et seq.* of the Cartwright  
7 Act, including participating in meetings, conversations, and communications with other TFT-  
8 LCD panel manufacturers (other than among affiliated entities) in the United States and  
9 elsewhere to discuss the prices or production of CRTs to be sold to original equipment  
10 manufacturers of personal computers, televisions, and other CRT products ("OEM customers")  
11 and exchanging information on sales of CRT products to OEM customers, for the purpose of  
12 monitoring and enforcing adherence to unlawfully agreed-upon prices.

13           4. Defendant Philips is enjoined for a period of three years from the date of this Order  
14 from engaging in price-fixing, market allocation, and/or bid rigging relating to CRTs for  
15 incorporation into monitors, or to other display screens incorporated into monitors, which  
16 constitute horizontal conduct that are *per se* violations of section 16700 *et seq.* of the Cartwright  
17 Act.

18           5. Chunghwa and Chunghwa Malaysia shall establish, if not already established, and  
19 maintain a program to provide relevant antitrust compliance education to Chunghwa's officers  
20 and employees with responsibility for pricing and sales of CRTs in and to the United States  
21 regarding the legal standards imposed by federal and state antitrust laws. Chunghwa and its  
22 subsidiary Chunghwa Malaysia shall have ninety (90) days from the date of this Order to  
23 establish this program if one has not already been established. For three (3) years from that date,  
24 on an annual basis, Chunghwa shall certify in writing to the Attorney General that Chunghwa is  
25 fully compliant with the provisions by describing the nature of the program it has implemented or  
26 is maintaining pursuant to the Settlement. The Attorney General is required to provide  
27 Chunghwa that the certification is due thirty (30) days prior to the deadline for its submission.  
28

1           6. Defendant shall certify that it has an antitrust compliance program and that it does not  
2 manufacture or sell CRTs. In the event that it manufactures or sells CRTs within three (3) years  
3 of the date of execution of its Settlement Agreement, it shall establish, if not already established,  
4 and maintain a program to provide relevant antitrust compliance education to their officers and  
5 employees with responsibility for pricing and sales of products in and to the United States  
6 regarding the legal standards imposed by federal and state antitrust laws. Philips shall have ninety  
7 (90) days from the date of this Order to establish this program if one has not already been  
8 established. For three (3) years from that date, on an annual basis, Philips shall certify in writing  
9 to the Attorney General that Philips is fully compliant with the provisions by describing the  
10 nature of the program it has implemented or is maintaining pursuant to the Settlement. The  
11 Attorney General is required to provide Philips that the certification is due thirty (30) days prior  
12 to the deadline for its submission.

13           7. Chunghwa shall provide cooperation to the Attorney General as described in paragraph  
14 17 of its Settlement Agreement. Philips shall provide cooperation to the Attorney General as  
15 described in paragraph 19 of its Settlement Agreement.

16           8. This Order applies to all claims or causes of action settled and released under the  
17 Philips and Chunghwa Settlements, and binds all Government Class members, natural persons as  
18 individuals, and sole proprietorships of those natural persons.

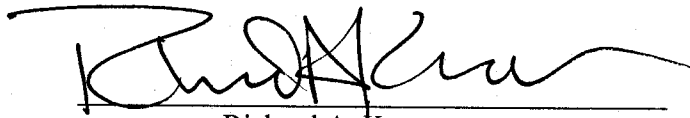
19           9. Pursuant to the California Rules of Court rule 3.769(h), the Court retains jurisdiction  
20 over this action to enforce the terms of the judgment.

21           10. Chunghwa has paid the Attorney General \$300,000 and Philips has paid the Attorney  
22 General \$500,000. These amounts shall—minus attorneys' fees—be placed in a *cy pres* fund for  
23 technology-related grants administered by the Attorney General in accordance with the standards  
24 and policies of the California Department of Justice. All class members and charitable or non-  
25 profit organizations will be able to apply for these technology-related grants. . The Attorney  
26 General may approve the distribution of these funds without seeking the approval of the Court.

1           11. To simplify the administration of *cy pres* grants, the Attorney General is authorized to  
2 combine *cy pres* funds from the Chunghwa and Philips Settlements with existing and future  
3 settlements from related technology matters.

4           12. The Attorney General is awarded attorneys' fees in the amount of \$80,000.

5  
6 Date: December 9, 2013



Richard A. Kramer  
Judge of the Superior Court

**Superior Court of California**  
County of San Francisco

THE STATE OF CALIFORNIA, et al.,

Plaintiff(s)

vs.

CHUNGHWA PICTURE TUBES, LTD.,  
et al.,

Defendant(s)

Case No. CGC-11-**515786**

**CERTIFICATE OF ELECTRONIC  
SERVICE**

(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On December 10, 2013, I electronically served ORDER GRANTING FINAL APPROVAL OF CHUNGHWA AND PHILIPS SETTLEMENTS AND AWARDING ATTORNEYS' FEES, AND ORDER via LexisNexis File & Serve on the recipients designated on the Transaction Receipt located on the LexisNexis File & Serve website.

Dated: December 10, 2013

T. Michael Yuen, Clerk

By: 

Felicia Green, Deputy Clerk III